IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App. No. 419 of 2002

LAR. 41/1996 of SUB COURT, SULTHAN BATHERY
.....

APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/CLAIMANTS:
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1. **SRI. KEEZHUPALLY CHANDUKUTTY NAIR,**
   S/O. RAMAN NAIR.

2. **SMT. VALAYATHU VANAJAKSHI ALIAS AMMU AMMA**
   W/O. VAYALAYA, P.O. MEENANGADI,
   PURAKKADI VILLAGE.

BY ADV. SRI. T. KURIAKOSE PETER
SRI. ABRAHAM P.GEORGE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 419 OF 2002

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 41/1996 on the file of the Sub Court, Sulthan Bathery. Acquisition is for the purpose of Karapuzha Irrigation Project. The extent involved is 0.0230 hectares of dry land. Section 4(1) notification is dated 04.01.1994.

2. The Land Acquisition Officer awarded land value at the rate of Rs. 600/- per cent which has been enhanced to Rs. 15,000/- per cent. There was also enhancement at the rate of 20% for the structures.

3. It is seen that the claimants had adduced Exhibits A1 copy of the plaint and A2 report of the Advocate Commissioner. The reference court noted that the notes to the award would show that the property involved in document No. 852/1991, the basic document, is having an extent of 1 acre and 10 cents whereas in the instant case, the extent is smaller. Exhibit A2

commission report and the evidence of AW2 indicated land value to the tune of Rs. 20,000/- per cent. According to the claimants, the property would fetch Rs. 50,000/- per cent.

Having regard to the entire facts and circumstances of the case and also the fact that the extent is only 5.187 cents, the land value was fixed at Rs. 15,000/- per cent, which in our view is just and proper fixation based on the materials available on record. As far as the valuation for structures is concerned, it is seen that the Land Acquisition Officer awarded compensation at PWD rates. Only 20% enhancement was given over the said value following the decision of this Court in ***Bhavani Ramalakshmi vs. State of Kerala*** **(1990(2) KLT 581)**.

In the above circumstances, we do not find any merit in the appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 419 OF 2002

J U D G M E N T

24.10.2007